

REMARKS/ARGUMENTS

The present application discloses a dedicated lookahead option preselection screen separate from the display of initial information from the network for user preselection of priority criteria to be used in downloading of information from a network during the time when an already established connection exists but is not being used. In this way, searched data is readily available in the user's system for later use, and any unused capacity the network connection has exploited to the full. With this, the anticipatory downloading of pages can be chosen by the user setting certain configuring parameters on the dedicated look ahead downloading options screen and alternately other schemes including indirectly by analyzing the user's behavior during use by a data mining screen in a server.

Rejection Under 35 USC 102(e)

All the claims, as originally presented, were rejected under 35 USC 102(e) as being anticipated by Nguyen, U.S. #6,584,498B2.

All the independent claims in the application are distinguishable from the Nguyen patent in that they call for an option selection display screen for user preselection of options and for displaying the initial information in a screen separate from the option display screen.

The Nguyen patent does not provide for two separate screens, one screen for preselection of downloading options and one for display of initial information derived from the network. Instead it provides for downloading options on the initial

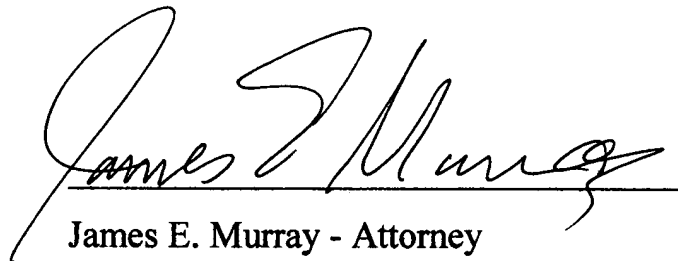
information screen 140 received from the server (see Figure 1). The Examiner points to column 7, lines 23 and lines 33 to 53. However, there is no mention in any of these lines about providing one screen for preselection of downloading options and another screen for initial information derived from the networks. The Examiner then states (without proof) that it is well known in prior art “to present the operator with a separate window for selecting preferences or making configuration changes”. Even if the Examiner’s statement was relevant and had been supported by prior art, it could not be combined with the Nguyen patent to form a proper basis for rejection under 35 USC 102(e).

Independent claim 14 further distinguishes in that it calls for functions to be performed in a server intermediate the network and the client machine: in the Nguyen patent there is no server intermediate the network and the client machine performing such function (see Figure 1). The Examiner says that the server limitation was not given patentable weight because it occurs in the preamble. The CAFC does not have the Examiner’s problem with concluding that recitation in a preamble is a substantive limitation particularly, where the recitation performs an antecedent basis for recitation of elements in the body of the claim. (See for example, *Bell Communications Research Inc. V Vitalink Communications Corp.* USPQ 2d 1816; *Electro Scientific Industries Inc. V Dynamic Details Inc.* USPQ 2d 1781; and *Pitney Bowles Inc. V Hewlett-Packard Co.* 51 USPQ 2d 1161. In claim 12, the reference to “a server which has a data link to the client and to the network”, recited in the preamble, provides antecedent basis for use of the phrase “the server” in sections b), c), d) and e) in the body of the claims and therefore is a substantial limitation.

The dependent claims of the application further distinguish over the Nguyen patent in that they recite specific selection options in the option screen, recited in the independent claims. For instance, claim 9, claim 22 and claim 31, call for a sequence of options on the option display screen that are selectable by the user. Claims 23 and 32 provide for selecting between a user profile to automatically assign priority to the options selected or permitting the assignment of priority to be performed by the using of the option display screens.

For the above reasons, it is respectfully submitted that all claims are allowable, and therefore it is requested that the application is reconsidered, allowed and passed to issue.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "James E. Murray", is written over a horizontal line.

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